

Remarks

I. Introduction

This is in response to the Office Action dated March 7, 2006. The Office Action rejected claims 1, 4-14, 17-26, 44 and 45 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,400,327 (Dezonno) in view of U.S. Patent No. 5,278,894 (Shaw). Claims 27, 28 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,471,523 (Smith et al.).

In response, Applicants amend claims 1, 14 and 27. Claims 2, 3, 11, 15, 16, 24, 29 and 34-43 have been cancelled.

Claims 1, 4-10, 12-14, 17-23, 25-28, 30-33, 44 and 45 are currently pending and remain for consideration.

II. All Pending Claims are Allowable Over the Cited Art

Independent claims 1 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dezonno in view of Shaw. Both independent claims 1 and 14 are distinguishable over Dezonno and Shaw as follows.

Claims 1 and 14 both contain the limitations of:

A broadband residential gateway located at a customer premises and connected to an Internet Protocol based packet network supporting Internet Protocol telephony service.

Claim 1 and 14 also contain limitations directed to the processing unit receiving a signal “from said Internet Protocol based packet network”.

Neither of the cited references disclose a broadband residential gateway located at a customer premises as claimed by claims 1 and 14. Both claims now contain the limitation that the broadband residential gateway is “connected to an Internet Protocol based packet network” and where that network supports “Internet Protocol telephony service”.

Dezonno is directed to an automatic call distributor (ACD) system that connects to a standard telephony network, as shown in Fig. 1 as external telephone network 20. There is no disclosure in Dezonno to suggest that the ACD connects to an Internet Protocol based packet network supporting Internet Protocol telephony service as claimed. Similarly, Shaw does not disclose the claimed broadband residential gateway “connected to an Internet Protocol based packet network” and where that network supports “Internet Protocol telephony service”. As shown in Fig. 2, Shaw discloses equipment being used in a standard telephone network. Therefore, claims 1 and 14 are allowable over Dezonno and Shaw.

It is noted that the limitation discussed above is similar to the limitation in claims 11 and 24 which have been cancelled herein. The Office Action, in rejecting claims 11 and 24, failed to address these limitations. The Office Action fails to cite any portion of the cited references that disclose these limitations from claims 11 and 24 that are now incorporated into independent claims 1 and 14 respectively. Moreover, the Office Action does not address these limitations at all. As such, claims 1 and 14 are allowable over the cited art.

Claim 1 also contains the limitation of:

a processing unit, wherein said processing unit provides a greeting and routes a signal received by said transceiver from said Internet Protocol based packet network to one of said multiple ports selected by an end user using said greeting

and claim 14 contains the limitation of:

a processing unit which provides a greeting and, upon receiving a signal including one of said multiple designations from said Internet Protocol based packet network, said processing unit routes said signal to one of said multiple ports depending on a port selected by an end user using said greeting.

Both claims contain limitations relating to routing the signal to one of the multiple ports based on a port selected by an end user using the greeting. This limitation is neither shown nor suggested by the cited art, and therefore claims 1 and 14 are allowable for this additional reason.

In rejecting these claims, the Office Action admits that Dezonno fails to disclose providing a greeting, and relies on Shaw for teaching the providing of a greeting. The

Office Action then states that “one of ordinary skill in the art would have been motivated to incorporate greeting into the communication network in order to provide facility for allowing personalized messages to be used for individual incoming callers.” However, a combination of Dezonno and Shaw would fail to disclose the claimed limitation of claims 1 and 14. The limitations of claims 1 and 14 are directed to a processing unit **routing** the signal to a port based on an end user selection using the greeting. Thus, while Shaw teaches providing customized messages for certain callers, neither Shaw nor Dezonno disclose that a call or signal is **routed** based on a user selection in response to the message. As admitted by the Office Action, Dezonno fails to disclose providing a greeting, and so therefore it cannot disclose routing based on a greeting. Further, while Shaw discloses providing greetings, there is no disclosure in Shaw to suggest that call routing is based on a response to the greeting. Therefore, a combination of Dezonno and Shaw would not result in the claimed invention of claims 1 and 14.

Further, the Office Action does not address this **routing** aspect of claims 1 and 14. Even if the Examiner’s statement that “one of ordinary skill in the art would have been motivated to incorporate greeting into the communication network in order to provide facility for allowing personalized messages to be used for individual incoming callers” were true, this would not render claims 1 and 14 obvious, because there is nothing to suggest the **routing** based on a user selected port in response to the greeting as claimed.

Independent claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al. Similar to claims 1 and 14 above, claim 27 contains the limitation of

a broadband residential gateway located at a customer premises and connected to an Internet Protocol based packet network

and also contains the limitation that the incoming call is received “from said Internet Protocol based packet network”. There is no such disclosure in Smith, and claim 27 is therefore allowable.

As shown in Fig. 1, and as described at col. 3, lines 22-23, the system of Smith et al. is connected to the “public telephone network” via the telephone company central office. The public telephone network shown in Smith et al. is not an internet protocol based packet network. Further, the system disclosed in Smith et al. is not a broadband

residential gateway as claimed in claim 27. As such, claim 27 is allowable over Smith et al.

In rejecting claim 27, the Office Action states that “one of ordinary skill in the art would have been motivated to incorporate digital phone into telephone system such as the one taught by Smith in order to be able to support Internet Protocol telephony service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate digital phone into broadband communication system with the motivation being that it provides capability for the system to support voice and Internet services to end users, thus enhancing efficiency.” However, this statement is conclusory and lacks support in the cited references. The Office Action cites no reference which suggests that the system of Smith et al. should be incorporated into a broadband residential gateway and connected to an Internet Protocol based packet network. If the Examiner persists in this rejection, Applicants request that the Examiner identify specific prior art references that teach the limitations of the present invention, or that specifically disclose a motivation to make the combination asserted by the Examiner as being obvious. The Federal Circuit caselaw makes clear that the best defense against an improper hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999). The Office Action cites no such teaching or motivation, and therefore claim 27 is allowable over the cited art.

For the reasons discussed above, independent claims 1, 14 and 27 are allowable over the cited references. All remaining dependent claims depend from an allowable independent claim and are therefore also allowable. In addition, the dependent claims recite additional allowable subject matter as follows.

Dependent claims 4-6, 17-19 and 30-32 are directed to aspects of the invention in which the processing unit provides a message after the greeting, where the greeting and message are customized, and where multiple greetings and messages are stored. As described in the application as filed at page 47, lines 18-19, in accordance with certain embodiments of the invention, a message is played after the greeting, and the message and the greeting are not the same. The separate nature of the greeting and the message is clearly set forth in these claims. However, the Office Action seems to combine these

separate claim limitations and treats them as one element. For example, in rejecting claims 5 and 18, the Office Action states, “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate customized **greeting messages** such as the one taught by Shaw ...”. This indicates that the Office Action did not treat the “message” separate from the “greeting” as claimed in claims 4-6, 17-19 and 30-32. Since Shaw does not teach providing a message after a greeting, where the greeting and message are different, Shaw cannot render these claims obvious. The Office Action, in rejecting claim 30, cites steps 102 and 104 of Fig. 6 of Smith. However, those steps show determining whether a voice channel is available (step 102) and if not, then generating a busy tone on port “n” (106). Applicants assert that these two steps are completely unrelated to these claims. If the Examiner persists in the rejection in reliance on this portion of Smith et al., Applicants request an explanation as to how these steps of Smith et al. disclose the providing a message after the greeting as claimed in claim 30.

Dependent claims 7, 8, 20, 21 and 28 are directed to an aspect of the invention in which an end user device provides a distinctive alert or ring. As described in the application as filed at page 47, line 25 – page 48, line 6, in one embodiment of the invention different telephones may ring differently and therefore be distinguished by sound. With respect to claims 7, 8, 20 and 21, the Office Action argues that distinctive ringing and distinctive alerting is inherent in the automatic call distributor of Dezonno. However, this is a purely conclusory statement with no support in the cited reference. Applicants assert that distinctive ringing and alerting is not inherent in an automatic call distributor. If the Examiner persists in this rejection, Applicants request a citation to a specific portion of Dezonno and an explanation of how distinctive ringing or alerting is inherent therein. With respect to claim 28, the Office Action cites Smith et al. at col. 5, lines 35-41 as disclosing distinctive alerting and ringing. However, the cited portion of Smith et al. merely discloses that an incoming call rings on all telephones, and that if the call is not answered, the system will answer the call. This cited section of Smith et al. is unrelated to the claimed distinctive ringing and alerting. As such, these claims are allowable over the cited art.

Dependent claims 9, 10, 22, 23 and 33 are directed to an aspect of the invention in which an end user device displays or announces an identity of a port selected by the end

user. The Office Action cites Shaw at col. 2, lines 27-38 as disclosing this limitation. However, the cited portion of Shaw merely discloses the well known Incoming Caller Line Identification (ICLID) whereby an identification of the calling party, **from which** the call is received, is displayed to the called party. However, claims 9, 10, 22, 23 and 33 are not related to this service. Instead, these claims are directed to displaying or announcing the identify of the port selected by the user. The port here is the port **to which** the signals are routed. This is very different from the well know caller ICLID service that identifies the caller. As such, these claims are allowable over the cited art.

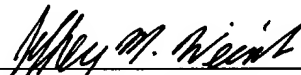
III No New Matter Has Been Added

The amendments to claims 1, 14 and 27 add no new matter to the application. The amendments are supported by the application as originally filed, at least at page 5, line 22 – page 6, line 6 and originally filed claims 11 and 24.

IV. Conclusion

For the foregoing reasons, reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,



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